

RESPONSE

1. **Claims 1 and 3-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Way, Sr., 5,813,173 (see marked-up attachments). Regarding claim 1, Way discloses in Figures 3, 4, and 6, a unitary connector comprising a base web 18 (the right one in Fig. 4), offset angled blocking webs A2 (Fig. 3), and an offset web 16. The blocking webs A2 each have a generally right angled bend A3 forming a rafter tab A4 (Fig. 6). The base web 18 and each of the blocking webs A2 is connected by the offset web 16. The offset web 16 has a first angled bend A6 attached to the base web 18 and a second, unequal, acute angled bend A7 attached to the blocking webs A2. Way's gutter protector is a nice invention, but it is physically different from the applicant's invention. Way's invention, as shown on his figures 1, 4, 6, and 7, appears to be very uni-dimensional. That is, like the way a seamless rain gutter is formed from a roll of metal and extruded through a die to form a gutter, the profile of Way's invention, shown on fig. 4, can be fed through a die to form the gutter protector. It could be miles long. The applicant's invention could not be similarly extruded because of the rafter tabs 7. The rafter tabs are bent at a general right angle. They are generally perpendicular to the base web 14 and blocking webs 2 and 3. They have to be perpendicular to latch onto the rafter, which is perpendicular to the wall. To claim this distinction, the applicant respectfully requests that the examiner amend claim 1 by adding the following:**

1c. "said rafter tabs are generally perpendicular to said blocking web;"

Amended claim 1 now reads over Way.

2. **Regarding claim 3, the offset web 16 is connected to the base web by the first acute angled bend A6 at an acute angle. Way refers to his angles as "an outward inclination" (column 3, lines 20-21) and "an inclination" (column 3, lines 58, 60 and 62). Looking at the profile of Way's gutter protector in figure 4, from the left, the applicant counts the metal as being bent four times at acute angles, and twice at obtuse angles at the lip 34. The applicant's claim 1e refers to just two acute angles. Claim 3 recites the first of these angles. Since claim 3 reads off claim 1, if amended claim 1 is allowable, then claim 3 will read over Way.**

3. **Regarding claim 4, the offset web 16 is connected to the blocking webs A2 by the**

second, unequal, acute bend A7 at an acute angle. As above, claim 4 reads off of claim 3. If claims 1 and 3 are allowable, claim 4 will read over Way.

4. **Regarding claim 5, the first acute angled bend A6 and the second, unequal, acute angled bend A7 are attached to opposite ends of the offset web 16, having generally unequal acute bends in opposite directions, thereby offsetting the blocking webs A2 at an acute angle from the base web 18 and avoiding frieze boards or blocking on a house.** Way's gutter protector's "inclination may be varied as desired from an inclination that may be downward from the horizontal to an inclination upwardly from the horizontal (column 3, lines 60-63). Later, Way says "A suitable inclination can be selected based on experience and conditions." Since Way's gutter protector is generally horizontal and the applicant's invention is generally vertical, the applicant respectfully requests that the examiner amend claim 5, lines 3 and 4 to:
"offsetting said blocking web at an acute angle, but generally vertical, from said base web,"
Claim 5 now reads over Way.

5. **Regarding claim 6, the first acute bend A6, the second, unequal, acute angled bend A7, and the offset web 16 forming the base web 18 and the blocking webs A2 unparallel to each other. Thereby forming a buttress between a roof rafter and the wall with underlying structural members, thereby preventing the exterior wall from detaching from the roof.** The Random House dictionary defines a buttress as "a support built to steady a structure by opposing its outward thrusts." Since Way's gutter protector is not attached to the roof – "It is not considered necessary to secure the inner edge portion 12 to the shingles 28 or the roof 26." (Column 3, lines 40-41), it cannot form a buttress or prevent the wall from detaching from a roof.

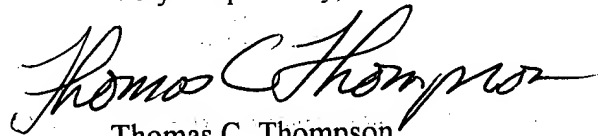
6. **Regarding claim 7, the blocking webs A2 divide the blocking webs A2 into generally equal left and right blocking webs A2.** The applicant's claim 7 states that the generally right angle bends divide the blocking webs into left and right blocking webs. Way has no right angle bends.

7. **Claims 15-23 are allowed.** The applicant respectfully thanks the examiner for allowing these claims.

8. **Claims 2, 8, 9, and 10 are objected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. If the examiner agrees that amended claim 1 is allowable, then claims 2, 8, 9, and 10 should be allowable.**

9. Accordingly, since the applicant perceives that the amended claims read over the cited reference, the applicant submits that this application is now in full condition for allowance, which action applicant respectfully solicits. If the examiner agrees but does not feel that the present claims are technically adequate, applicant respectfully requests that the examiner write acceptable claims pursuant to MPEP 707.07(j).

Very Respectfully,



Thomas C. Thompson

92-543 Kokole Pl.

Makakilo, HI 96707

808 672-3107